

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BRIAN MCBRIDE and DEBORAH
BLISSICK,

Plaintiffs,

No. 1:23-cv-02044

v.

NJ PEN, *et al.*,

ORDER

Defendants.

O'HEARN, District Judge.

THIS MATTER comes before the Court on the Motion for a Preliminary Injunction filed by Plaintiffs Brian McBride and Deborah Blissick (“Plaintiffs”), (ECF No. 10), and the Motion to Dismiss filed by Defendant NJ Pen (“Defendant”), (ECF No. 27). The Court heard oral argument pursuant to Local Rule 78.1 on July 7, 2023. For the reasons set forth on the record during that hearing,

IT IS HEREBY on this 10th day of July, 2023,

ORDERED that Plaintiffs’ Motion for a Preliminary Injunction, (ECF No. 10), is **DENIED**; and it is further

ORDERED that Defendant’s Motion to Dismiss, (ECF No. 27), is **GRANTED IN PART** and **DENIED IN PART**; and it is further

ORDERED that Defendant’s Motion is **GRANTED** to the extent it seeks dismissal of all of Plaintiffs’ state law claims; but it is further

ORDERED that Defendant’s Motion is **DENIED** to the extent it seeks dismissal of

Plaintiffs' copyright infringement claims; and it is further

ORDERED that Plaintiffs' libel claims are **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Plaintiffs' fraud and negligent misrepresentation, New Jersey Civil Rights Act, and civil conspiracy claims are **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that only Plaintiffs' copyright infringement claims remain; and it is further

ORDERED that within ten (10) days of the date of this Order, Defendant shall apprise the Court by letter whether further discussion of settlement of this matter would be worthwhile; and is further

ORDERED that if Defendant represents that such discussions would be worthwhile, Defendant's obligation to answer or otherwise respond to the Complaint shall be **STAYED** until further order of the Court; and is further

ORDERED that if Defendant represents that such discussions would not be worthwhile, Defendant shall answer or otherwise respond to Plaintiff's Complaint within thirty (30) days of the filing of its letter; and it is finally

ORDERED that, should Plaintiffs wish to seek leave to amend, they shall file an appropriate motion within thirty (30) days of the filing of Defendant's response to their Complaint.


CHRISTINE P. O'HEARN
United States District Judge